

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

BBY SOLUTIONS, INC.,)	
)	
Plaintiff,)	

Civil Action No. 13-cv-3355 SRN/JJG

v.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER FOR JUDGMENT**

NATHANIEL W. PARSONS)	
)	
)	
Defendant.)	
)	

The above-entitled matter came on for hearing before the undersigned on March 6, 2014 pursuant to BBY Solutions, Inc.’s Motion for Judgment by Default (Dkt. No. 9) against Defendant Nathaniel W. Parsons. The Defendant has not answered the Complaint or otherwise defended in this action.

Based upon all of the files, records, and proceedings herein and the arguments of counsel, the Court being duly advised in the premises now makes the following:

FINDINGS OF FACT

1. Plaintiff BBY Solutions, Inc. (“Best Buy”) personally served Defendant Nathaniel W. Parsons with a copy of the Summons and Complaint on December 11, 2013. (Dkt. No. 4.)

2. Defendant Nathaniel W. Parsons has failed to answer, plead, or otherwise respond to Best Buy’s Complaint. (Dkt. No. 8.)

3. The Clerk of Court entered default against Defendant on January 8, 2014. (Dkt. No. 8.)

4. Best Buy properly provided Defendant with the Amended Notice of the March 6, 2014 Motion for Default Judgment hearing and properly served Defendant with all pleadings in support of its Motion for Default Judgment. (Dkt. Nos. 13, 14, 16.)

5. Best Buy is a multi-national consumer electronics retailer that owns and operates a 24-hour computer support service under the GEEK SQUAD® name and trademark. (Dkt. No. 1 at ¶ 1.)

6. Best Buy's GEEK SQUAD®-branded computer support service is North America's largest technology support organization. (Dkt. No. 1 at ¶ 1.)

7. Defendant Nathaniel W. Parsons founded, has owned and operated, and currently owns and operates at least two online computer support and technology support service businesses, which are held out under the names <affordablegeeksquad.com> and <cheapgeeksquad.com>. (Dkt. No. 1 at ¶ 2.)

8. Defendant's support service businesses, held out under the names <affordablegeeksquad.com> and <cheapgeeksquad.com>, provide and have provided remote goods and services via telecommunication and around the clock. (Dkt. No. 1 at ¶ 2.)

9. Best Buy's GEEK SQUAD name is registered as a service mark at the United States Patent & Trademark Office, as United States Trademark Registration No. 2,744,658, in connection with computer installation and repair, and in connection with

design of computers, computer software and computer networks. (Dkt. No. 1 at ¶ 4 and Ex. A.)

10. Best Buy's GEEK SQUAD design is registered as a service mark at the United States Patent & Trademark Office, as United States Trademark Registration No. 1,943,643, in connection with computer installation and repair, and in connection with design of computers, computer software and computer networks. (Dkt. No. 1 at ¶ 4 and Ex. A.)

11. Best Buy's GEEK SQUAD Marks are each distinctive, based on a lengthy history of use and development, so that each generates a strong following and enjoys wide recognition. (Dkt. No. 1 at ¶ 5 and Ex. A.)

12. Best Buy's GEEK SQUAD Marks have attained incontestable status under 15 U.S.C. § 1065. (Dkt. No. 1 at ¶ 5 and Ex. A.)

13. Defendant Nathaniel W. Parsons adopted and registered his AFFORDABLE GEEK SQUAD and CHEAP GEEK SQUAD business names, in violation of Best Buy's rights long after those rights had accrued in the GEEK SQUAD Marks. (Dkt. No. 1 at ¶ 6 and Ex. B.)

14. Even outside the personal service of this action, Defendant Nathaniel W. Parsons is and has been on constructive and actual notice of Best Buy's rights, yet continues to willfully infringe on Best Buy's GEEK SQUAD Marks with the businesses at <affordablegeeksquad.com> and <cheapgeeksquad.com>. (Dkt. No. 1 at ¶ 7.)

CONCLUSIONS OF LAW

1. Defendant was duly served with the Summons and Complaint on December 11, 2013.
2. Defendant failed to answer or otherwise respond to the Complaint.
3. Pursuant to Rule 12 of the Federal Rules of Civil Procedure, the deadline for Defendant to answer or otherwise respond to the Complaint expired 21 days after Defendant was served with the Summons and Complaint.
4. Best Buy properly provided Defendant with the Amended Notice of the March 6, 2014 Motion for Default Judgment hearing and properly served Defendant with all pleadings in support of its Motion for Default Judgment.
5. Best Buy is entitled to judgment by default against Defendant on all counts pled in Best Buy's Complaint.
6. Best Buy uses the GEEK SQUAD Marks extensively in commerce and owns incontestable United States Trademark Registration Certificates for its GEEK SQUAD Marks.
7. Best Buy's GEEK SQUAD Marks are distinctive, widely associated with Best Buy and exclusively identify Best Buy's products and services.
8. Best Buy's GEEK SQUAD Marks were distinctive well before Defendant Nathaniel W. Parsons registered the <affordablegeeksqquad.com> and <cheapgeeksqquad.com> domains.
9. Defendant Nathaniel W. Parsons registered, used and is using domains that are identical in part, and confusingly similar to, Best Buy's GEEK SQUAD Marks.

10. Defendant Nathaniel W. Parsons has used and continues to use Best Buy's GEEK SQUAD Marks in connection with competing goods and services in commerce.

11. Defendant Nathaniel W. Parsons' actions constitute trademark infringement under 15 U.S.C. § 1114.

12. Defendant Nathaniel W. Parsons' conduct and continuing infringement of Best Buy's GEEK SQUAD Marks has caused, and will continue to cause irreparable harm to Best Buy for which there is no adequate remedy at law.

13. Defendant Nathaniel W. Parsons has and has had a bad faith intent to profit from Best Buy's GEEK SQUAD Marks in his use of the <affordablegeeksqad.com> and <cheapgeeksqad.com> domains in violation of 15 U.S.C. § 1125(d).

ORDER

IT IS HEREBY ORDERED that:

Pursuant to 15 U.S.C. § 1116, Defendant Nathaniel W. Parsons and his agents, servants, employees, subsidiaries, affiliates, and all persons in active concert or participation with, through, or under him are hereby permanently restrained, prohibited and enjoined from use of the GEEK SQUAD name, trademark, and any other confusingly similar arrangement of the words GEEK and SQUAD, in domain names, online and in connection with the sale or advertisement of any product or service. This specifically includes, but is not limited to, the domain names <affordablegeeksqad.com> and <cheapgeeksqad.com>.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 6, 2014

s/Susan Richard Nelson
Susan Richard Nelson
United States District Court Judge